

JAP:FTB

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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17-95M

UNITED STATES OF AMERICA

- against -

JORGE GONZALEZ,

Defendant.

COMPLAINT AND
AFFIDAVIT IN
SUPPORT OF AN
ARREST WARRANT

(T. 18, U.S.C. § 2252(a)(2))

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EASTERN DISTRICT OF NEW YORK, SS:

LESLIE ADAMCZYK, being duly sworn, deposes and states that she is a Special Agent with the Federal Bureau of Investigation (“FBI”), duly appointed according to law and acting as such.

On or about and between September 2, 2016 and February 1, 2017, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JORGE GONZALEZ did knowingly receive any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2)).

The source of your deponent's information and the grounds for her belief are as follows:

1. I have been a Special Agent of the FBI since August 2012, and am currently assigned to the New York Office. Since October 2014, I have been assigned to a Crimes Against Children squad and to investigate violations of criminal law relating to the sexual exploitation of children. During that time, I have gained expertise in this area through training in classes and daily work related to conducting these types of investigations. As part of my duties and responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed thousands of photographs depicting children (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor. I am also a member of the Eastern District of New York Project Safe Childhood Task Force.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

3. On or about September 2, 2016, an FBI Special Agent working in an undercover capacity (the "Undercover Agent"), used a Bittorrent application via an Internet-connected computer located within the FBI New York Division to conduct undercover investigations into the Internet distribution and possession of child pornography. During this

investigation, a computer that was sharing child pornography was located on the Bittorrent file sharing network. The Undercover Agent downloaded approximately 251 files containing child pornography. The sharing client's IP address was recorded along with the date and time of the file transfer. The sharing client reported that it was using Bittorrent client "UT340B-uTorrent 3.4." I have reviewed the files downloaded, some of which are described as follows:

- a. "000610.jpg" is an image of a nude prepubescent girl, approximately three years old, who is lying down with her legs above her head exposing her vagina and anus.
- b. "000311.jpg" is an image of a nude prepubescent girl, approximately four years old, who is performing fellatio on an adult male.
- c. "000034.jpg" is an image of three prepubescent boys. One boy, approximately eight years old, is nude. The other two boys are clothed and approximately six years old. One of the clothed boys is performing fellatio on the nude boy.

4. The IP address assigned to the computer sharing the above files was 69.203.124.54 (the "Subject IP Address") on the date referenced above. The Bittorrent application used by the FBI captures the IP address from which the files were sent. All of the above files were downloaded from the Subject IP Address. When users on this file sharing network download files, the computers sharing files can be identified by their IP addresses. Investigators can view and describe the completely downloaded files. Open source database searches revealed the Subject IP Address was registered to the Internet service provider Time Warner Cable.

1. Records obtained from Time Warner Cable revealed that on or about September 2, 2016, the Subject IP Address was associated with an address in Queens, New

York (the “PREMISES”). The account was held in the name “Jorge Gonzalez.” A search of records of NYCHA residents, maintained by the New York City Police Department, revealed that an individual named “Jorge Gonzalez” has resided at the PREMISES since approximately May 2013. Based on a review of records obtained from Time Warner Cable, as of approximately January 30, 2017, the Subject IP Address continued to be registered to the PREMISES in “Gonzalez’s” name. That same day, the Subject IP Address was observed by the FBI to be active on the above-described Bittorrent file sharing network.

5. On or about January 31, 2017, the Honorable Steven L. Tiscione issued a search warrant for the PREMISES.

6. On or about February 1, 2017, law enforcement agents conducted a search of the PREMISES pursuant to the warrant described above. The defendant JORGE GONZALEZ was present in the PREMISES during the search.

7. Law enforcement agents advised the defendant JORGE GONZALEZ that he was not under arrest and was free to leave at any time. Law enforcement agents then proceeded to interview JORGE GONAZLEZ inside the PREMISES. During the course of the interview, a cell phone in the pocket of the defendant’s pants rang. At that point in time, law enforcement agents seized the cell phone pursuant to the search warrant. Once agents had possession of the cell phone, the defendant JORGE GONZALEZ stated in sum and substance that the cell phone was his and that he had used it to download child pornography.

8. Subsequent to that interview, and pursuant to the search warrant, law enforcement agents searched the contents of the cell phone and an external hard drive found on the PREMISES – the defendant had stated during the course of the interview in sum and

substance that the hard drive also belonged to him. In the course of the search of the defendant JORGE GONZALEZ's hard drive and cell phone, law enforcement agents recovered evidence of image files appearing to depict child pornography. For example, the cell phone contained, among others, the following image files

- a. LS Model 55.(1).jpg is a close-up image of an approximately twelve-year-old female with her legs spread, exposing her vagina.
- b. LS Model 1.(1).jpg is an image of an approximately eleven-year-old female bent over exposing her anus and vagina.
- c. LS Model 30.(1).jpg is an approximately eight-year-old female lying down with her legs spread exposing her anus and vagina.

WHEREFORE, your deponent respectfully requests that the defendant JORGE GONZALEZ be dealt with according to law.

S/ Leslie Adamczyk

LESLIE ADAMCZYK
Special Agent
Federal Bureau of Investigation

Sworn to before me this
1st day of February, 2017

S/ Steven L. Tiscione

THE HONORABLE STEVEN L. TISCIONE
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK